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COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Item 10 of the Provisional Agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council Resolution 1296 (XLIV).

[22 January 1993]

Prisoners of conscience, arbitrary detention and state of exception in Syria

1. The International Federation of Human Rights (IFHR) wishes to draw the attention of the Commission on Human Rights to the disastrous consequences for respect for human rights of the continuation in force, over an extended period, of a state of exception, as is at present the case in Syria.

2. The IFHR and its affiliate the Organization of Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF) of course welcomed the freeing in Syria, in December 1992, of some 800 prisoners of opinion. Those freed included the lawyer Mounir Msouti, the singer Turki Mouqdad and Ibrahim al-Halabi and Khaldoun al-Raïs who had earlier been reported as having disappeared.

3. Nevertheless the IFHR and the CDFs are still greatly concerned about the fate of several thousand people who are still held in detention under the state of exception, in complete violation of the provisions of the international instruments for the protection of human rights in the administration of justice. According to the information collected by our organizations, which was partly communicated in a report issued on 18 December 1992, some 6,240 prisoners of conscience and 3,000 persons who have disappeared are involved.

4. Despite an intensive international campaign in their favour, the 10 founding members of the CDFs (see annex 1), who have been imprisoned since 18 December 1991 following a grossly unfair trial for having merely exercised their right to freedom of association, have still not been freed. They are still being accused of terrorism by the Syrian authorities (see, for example, the statement by the Syrian Government at the forty-fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities), when it is today internationally recognized that they never advocated or committed acts of violence. The IFHR currently fears for the physical safety of the lawyer Aktham Nouaisseh and the academic Muhammed Ali Habib, who have been in solitary confinement since they began a hunger strike on 10 December 1992, the anniversary of the Universal Declaration of Human Rights.

5. The IFHR and the CDFs have noted with concern the recurrence of waves of administrative detention following targeted arrests and rapid mass interrogations. For example, at least 260 Kurds were recently arrested and interrogated following the distribution of leaflets commemorating the thirtieth anniversary of the law of 5 October 1992. Some 40 people who were arrested at that time are still in detention.

6. Also still in detention are 42 prisoners of opinion arrested in 1992, including members of the CDFs and members of the following political parties: The Communist Action Party, The Nasserian People's Organization, The National Salvation Front and The Kurdish Peoples' Union Party.

7. With reference to the question of conditions of detention, the IFHR and the CDFs possess evidence of practices that are totally incompatible with the Standard Minimum Rules for the Treatment of Prisoners, practices which often result in deaths such as that of the lawyer Shakour Tabban, one of the leaders of the Arab Socialist Union Party, at Deir el-Zor in late November 1992. The IFHR and the CDFs are now extremely concerned, particularly regarding the physical and mental health of the persons whose names are given in annex 2.

8. The IFHR and the CDFs also call on the Commission on Human Rights to devote special attention to the case of prisoners who have been held for at least 21 years without having the benefit of a trial or who by 1985 had finished serving the sentence imposed on them (see annex 3). The number of those who have died following such prolonged detention has increased with the recent death of Dr. Nour-Eddin Atassi, which followed those of Mr. Hussein Zaidan and Mr. Aqil Qurban.

9. The IFHR and the CDFs are also concerned at the inequity of the current trials of 450 people for the mere expression of opinions and they fear that announcement of the verdicts, expected in January, may be postponed until the spring, specifically because of the present session of the Commission on Human Rights.

10. The IFHR and the CDFs consider that the continuation of the state of exception in Syria is one of the main causes of the persistent massive violations of human rights in the administration of justice. Just as the

forty-ninth session of the Commission on Human Rights will be ending, the thirtieth anniversary of the declaration of the state of exception will be celebrated on 8 March 1993. On this occasion the IFHR and the CDFs call on the Commission to support their request for the immediate and unconditional liberation of all prisoners of conscience, the abolition of the special courts and implementation of the guarantees of right to a fair trial. They also renew their call for an end to the practice of torture and for the punishment of those who engage in torture.

Annex I

CDF militants sentenced to prison terms of 5 to 10 years with forced labour and loss of civil rights

Husam Salama (5-year prison sentence)

Hassan Ali (5-year prison sentence)

Thabet Murad (5-year prison sentence)

Ya'qub Musa (5-year prison sentence)

Jadi Nawfal (5-year prison sentence)

Bassam al-Shaykh (8-year prison sentence)

Afif Mizher (9-year prison sentence)

Muhammed Ali Habib (9-year prison sentence)

Aktham Nouaisseh (9-year prison sentence)

Nizar Nayouf (10-year prison sentence)

Annex 2

Application of the Standard Minimum Rules for the Treatment of Prisoners: Some Critical Cases

Riad al-Turk

Mounif Mulhem

Moustafa Khalifa

Abbas Abbas

Khaled Nasser

Hisham Zrouqui

Mahmud Fayyadh

Muhammed Id Ashshawi

Bara al-Sarraj

Rosette Issa

Riad al-Turk, Issa Muhammed

Nabil Fawwaz

Niarz Mradni

Ghassan Kassis

Ahmad Hassan Mansour

Mustafa Kallas

Thabet Umar Naes

Moustafa Zaydou

Annex 3

Persons detained without trial for at least 21 years (1) or who had served their full sentence by 1985 (2)

Ahmad SWAIDANI (1969) (1)

Mustafa FALLAH (1970) (2)

Khalil BRAYEZ (1970) (2)

Muhammad 'id ASHSHAWI (1970) (1)

Marwan HABASH (1970) (1)

Abdel Hamid MUQDAD (1970) (1)

DHAFI JOUMA'NI (1970) (1)

Mijali NASRAWIN (1971) (1)

Adel NA'SSA (1972) (1)

Mahmud FAYYAD (1970) (2)

Jalal el-din MIRHIJ (1970) (2)

Salah JADID (1970) (1)

Fawzi RIDA (1970) (1)

Haditha MURAD (1970) (1)

Mustafa RUSTUM (1970) (1)

Muhammad Sa'id TALEB (1971) (1)

Hassan AL-KHATIB (1971) (1)